



ACLU of New York



June 16, 2023

VIA ECF

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMORANDUM ENDORSED

Re: *In re: New York City Policing During Summer 2020 Demonstrations,*
No. 20-CV-8924
This Filing is Related to All Cases

Dear Judge Gorenstein:

We represent the plaintiffs in *Payne v. de Blasio* and write respectfully on behalf of all non-stayed consolidated cases, and with consent of the defendants, to request permission to take the deposition of police officer Jakub Tarlecki after the presumptive deposition deadline of June 16, 2023. On June 14, 2022, the plaintiffs served a notice on the defendants for the deposition of Officer Tarlecki. Subsequently, the plaintiffs were notified that Officer Tarlecki was no longer employed by the New York City Police Department and the defendants' counsel requested that the plaintiffs serve Officer Tarlecki a subpoena pursuant to Federal Rule of Civil Procedure Rule 45.

On April 28, 2023, Officer Tarlecki was served the subpoena. His deposition was scheduled to take place on May 17, 2023. Officer Tarlecki did not show up to his scheduled deposition. A new subpoena was issued with a scheduled deposition date of June 15, 2023, and Officer Tarlecki was personally served this notice.

Concurrently, Officer Tarlecki was added as a defendant to *Payne v. de Blasio* in the *Payne* plaintiffs' Corrected Second Amended Complaint. Officer Tarlecki was served the Corrected Second Amendment Complaint. This Court ordered an extension of time for Officer Tarlecki to respond to June 30, 2023. ECF No. 1051

Shortly before Officer Tarlecki's scheduled deposition on June 15th, Officer Tarlecki requested that his deposition be adjourned while the New York City Law Department determined whether it could represent him in this action. The plaintiffs consented to this request and counsel for the defendants consented to Officer Tarlecki's deposition occurring after the presumptive deposition deadline. The parties also agreed that after Officer Tarlecki retained counsel, be it the Law Department or otherwise, that counsel would contact plaintiffs' counsel promptly to schedule the deposition as soon as practicable.

Accordingly, the plaintiffs request that this Court permit Officer Tarlecki's deposition to occur after the presumptive deposition deadline of June 16, 2023, and after he retains counsel.

Respectfully submitted,

NEW YORK CIVIL LIBERTIES UNION
FOUNDATION

By: s/Daniel Lambright

Daniel R. Lambright
Molly K. Biklen
Perry Grossman
Jessica Perry
Robert Hodgson
Veronica Salama
125 Broad Street, 19th Floor
New York, NY 10004
(212) 607-3300
dlambright@nyclu.org

THE LEGAL AID SOCIETY

By: s/ Corey Stoughton
Corey Stoughton
Jennvine Wong
Rigodis Appling
Paula Garcia-Salazar
Margaret Hadley
199 Water Street
New York, NY 10038
(212) 577-3367

Attorneys for the Payne Plaintiffs

Cc: All counsel of record by ECF

The application is granted. The timing of this deposition, however, shall have no effect on the remaining schedule in this case.

So Ordered.



GABRIEL W. CORENSTEIN
United States Magistrate Judge

June 20, 2023